

coordinated work with NOAA and other agencies to prevent marine debris, conduct education outreach, and support research efforts?

**I am not familiar with the details of the specific program referenced in your question. If confirmed, I would expect to be briefed by EPA staff on the relevant statutory authority to better understand EPA's role compared to those of other federal agencies on this issue.**

5. EPA completed a State of the Science White Paper in December entitled "A Summary of Literature on the Chemical Toxicity of Plastics Pollution to Aquatic Life and Aquatic-Dependent Wildlife." The white paper identified four key areas where additional research is needed: 1) "the fate of chemicals both sorbed to and in plastics under differing environment conditions and within an organism after ingestion;" 2) "the relative role plastics play in chemical contaminant transfer to the tissues of organisms compared to other exposure pathways (aqueous dermal exposure and ingestion from natural prey);" 3) "the relative impacts of physical and chemical effects of ingested plastic particles on a wide range of organisms;" and 4) "whether the relatively high surface area of nanoplastics compared to microplastics and their potential to permeate membranes with increased retention time may increase their toxicological risk to organisms." What is EPA's role and responsibility in finding answers to these research questions?

**I am not familiar with the report referenced in this question. If confirmed as Administrator, I would expect to be brief by staff to learn more about EPA's authorities and responsibilities before taking any actions referenced in the question.**

6. Do you accept the science of ocean acidification that has directly connected the increase in human-caused carbon dioxide emissions with decreases in ocean pH?

**First, I would note that the oceans are alkaline and are projected to remain so. Second, it is my understanding that the degree of alkalinity in the ocean is highly variable and therefore it is difficult to attribute that variability to any single cause.**

7. Do you accept that the oceans are currently acidifying at a rate unprecedented in tens of millions of years?

**First, I would note that the oceans are alkaline and are projected to remain so. Second, it is my understanding that the degree of alkalinity in the ocean is highly variable and therefore it is difficult to attribute that variability to any single cause. I am unaware of tens of millions of years of data on the pH of oceans.**

8. Do you accept ocean acidification's predicted toll on coral reefs worldwide, important habitats for recreation, tourism, and commercial fishing?

**I am aware that there is a relationship between the alkalinity of water and the calcification process that grows shells and reefs and that a decrease in alkalinity can impair that process.**

9. What is the EPA's role in helping states and coastal communities mitigate or adapt to the challenges projected for the shellfish industries or the thousands of individuals that make their living off of this billion-dollar resource?

**If confirmed, I will implement the laws that EPA is charged to administer. Under section 304 of the CWA EPA establishes water quality criteria to protect aquatic life, including shellfish. Certain EPA programs also include authorities that can support projects that may benefit the shellfish industry, including the National Estuary Program under section 320 of the CWA, the Long Island Sound programs under section 119 of the CWA, and the Chesapeake Bay program under section 117 of the CWA. Finally, section 319 of the CWA can support programs and projects to reduce runoff that may impact oyster beds.**

10. What do you understand to be the consequences of sea level rise, increased storm surge, and warming ocean waters on coastal communities and estuaries?

**If confirmed, I would expect to be briefed by staff on the impact sea level rise, storm surge, and warming ocean waters on consequences on coastal communities and estuaries.**

11. Both states and some Members of Congress have for years criticized EPA for "one-size-fits-all approaches" and failing to give adequate flexibility to states. Yet in challenging EPA's Clean Power Plan, you attacked EPA for just that – giving states and regions too much latitude in administering the Clean Air Act. Wouldn't that take the Agency in the wrong direction?

**I, along with the Supreme Court, which issued a stay against the Clean Power Plan in February 2016, believe the EPA exceeded the bounds of authority established by Congress in the Clean Air Act. In particular, the Rule attempted to supplant decisions traditionally preserved for the states, including the establishment of intrastate energy policies, for agency mandated alternatives that would have increased the price of electricity for local citizens and reduced reliability. The notion of flexibility in the Clean Power Plan was conceptual at best. If confirmed, I will work to achieve the objectives of EPA-administered laws consistent with the process and framework established by Congress abiding by the bedrock principle of cooperative federalism, which relies on meaningful collaboration between the EPA and the states to achieve important environmental objectives.**

12. According to the EPA, it has been estimated that the Clean Air Act has a history of reducing air pollution, while creating jobs. Since 1970 aggregate emissions of common air pollutants dropped 72 percent, while the U.S. gross domestic product grew 219 percent. Total private sector jobs increased by 101 percent over the same period. In 2020, EPA estimates that the standards will create the equivalent of over 104,000 new jobs including 17,000 new jobs building renewable energy facilities and over 78,000 jobs in improving demand-side energy efficiency. Do you agree that regulations under the Clean Air Act since 1970 have grown the economy? If not, can you provide your analysis, materials used, and people you solicited to come to this conclusion?

**The success of the Clean Air Act is a direct result of the important partnership between the EPA and the states in developing and implementing its key programs. State regulators best understand the needs and uniqueness of local environmental challenges while the EPA is well positioned to set and adjust environmental safeguards that continue to improve the nation's air, land and water and protect public welfare. If confirmed as Administrator, I will adhere to the clear directives and process set out by Congress so that the agency can once again focus on fulfilling its core mission.**

13. In 2014, four Republican former EPA Administrators – Bill Reilly, Bill Ruckelshaus, Lee Thomas, Governor Christine Todd Whitman – testified before EPW that climate change is real, EPA regulations do not end up costing as much as industry initially estimates, and EPA has clear authority under the Clean Air Act to curb carbon pollution. In a 2015 interview with Climate Progress, Governor Whitman said: “The idea the EPA is a job killer is false” and with regard to the Clean Power Plan “what EPA did was to allow as much flexibility as frankly I’ve ever seen them be able to create in a regulation.” Do you think that the former Administrators are correct in their assessment that regulations do not cost as much as industry initially estimates? If not, can you explain why not?

**I am not sure what specific regulations the former EPA Administrators were referring to and accordingly lack sufficient information to answer the specific question. Generally speaking, if confirmed, I will work to ensure that EPA regulatory actions accurately account for the costs and benefits across all impacted stakeholders.**

14. Carbon Capture Utilization and Storage is a bipartisan policy area that I am working on with my Republican colleagues. Senator Graham and I visited the world’s first Carbon Capture project in Canada that has been operational since 2014. In 2016, SaskPower successfully captured and injected 800,000 metric tons of carbon dioxide and the facility has operated nearly 85 percent of the time. Recently, Petra Nova in Texas became the first United States first post-

combustion carbon capture project to begin operation. SaskPower and Petra Nova are listed in the Clean Power Plan as viable options for helping states reach their Clean Power Plan targets. Do you believe that CCUS is a viable technology for reducing emissions from power plants?

**I believe CCUS technology can play an important role in the development of our future coal fleet, however it is not yet a viable option. Both the SaskPower and Petra Nova plants referenced in your question relied on significant support from their respective governments to become operational. Forcing private businesses to use unproven, expensive technology would be unfair, which is why Congress provided for protections against the EPA embracing such a practice in the Energy Policy Act of 2005.**

15. In Rhode Island we have BioProcess H2O in Portsmouth and Agcore Technologies, LLC in Cranston that do carbon utilization—the conversion of carbon dioxide into useable products and fuels. These technologies not only capture carbon pollution, but can ease the demand of over-fishing by offering an alternative source of oils and protein. The carbon pollution from the algae production is creating and delivering algae-derived fish and animal feed. These utilization technologies are available now and are reducing carbon emissions. We also have retrofitted coal facilities using CCUS (SaskPower and Petra Nova). Do you believe that CCUS should be pursued as an emission reduction technology for the power sector and industrial sector?

**Congress established clear directives the Administrator must consider when setting new source performance standards under the Clean Air Act. These directives are not technology specific, but instead require the Administrator set standards based on the best system of emission reduction that is technically feasible, achievable, adequately demonstrated and considerate of costs. If confirmed, I will follow the Clean Air Act process respective of the framework set by Congress.**

16. According to the U.S. Energy Information Administration, in 2014, Oklahoma ranked fourth in the nation in net electricity generation from wind, which provided nearly 17% of the state's net generation. The American Wind Energy Association also estimates that wind power saved electricity customers in Oklahoma more than \$1.2 billion in 2013 and a study from the Oklahoma State University found that wind companies have paid close to \$134 million in property taxes to the state since 2004, producing revenues for the state. Do you agree that wind energy has saved Oklahomans money and brought revenues to the state? Do you agree that wind energy is an important part of our future clean energy economy?

**As I discussed at my nomination hearing, 17 percent of Oklahoma's electricity is generated from wind, and as a state, we have a heavy emphasis**



**on renewables in addition to oil and gas. Wind energy can be part of successful, diverse, energy portfolio.**

17.AWEA also found that the wind farms provided an additional \$2.8 billion in societal benefits each year to Southwest Power and that the wind power helped save 3 billion in gallons of water in Oklahoma in 2013. The Windfall Coalition, a group created by Continental Resources Inc. founder and CEO Harold Hamm is trying to get rid of the Oklahoma's incentives for wind energy, as they believe it is a mature technology and doesn't need incentives. Do you support the Coalition's efforts?

**The decision on how to address state tax incentives for Oklahoma lies with the State Legislature and, ultimately, the Governor.**

18.According to the Wind Energy Association and Solar Energy Industries Association, in 2016 the United States had 400,000 wind and solar jobs—310,000 solar, 88,000 wind. In contrast, according to 2016 DOE Energy Employment Report, employment in oil and gas extraction was 388,000 and 53,000 in coal mining. The Energy Information Administration (EIA) just found that coal production continued to decline in 2016 down nearly 17% from 2015 production. Its Annual Energy Outlook in 2017 reports that declining cost of natural gas is still encouraging utilities to shift away from coal over the long-term. The change is expected under our existing policies regardless of the Clean Power Plan. Do you believe that dismantling the Clean Power Plan and cutting back on environmental regulations will bring back the coal industry? Specifically, will it bring back coal jobs and make coal the dominate source of electricity in the U.S. again?

**I am unable to say whether United States utilities and electric cooperatives would or would not return to coal as a predominant portion of their fuel mix if the Clean Power Plan were revoked or other regulations were cut back. The federal Energy Information Administration projects that coal will be an important part of the American fuel mix for the foreseeable future.**

19.The Clean Air Act requires the EPA to consult with an independent scientific body, the Clean Air Scientific Advisory Committee, on air quality standards. Congress has also directed EPA to establish and seek advice from an independent Science Advisory Board. Do you intend to deviate from the current appointment process for this advisory committee? Will you disclose professional and political affiliations and political contributions of members that you appoint to the committee? Do agree to maintain the existing structure of this committee and current rules that are in place for the decision making of this committee?

**I understand and appreciate the important role of EPA's independent scientific bodies. I have no first-hand knowledge of the existing processes or rules of the advisory committees referenced in the question and, if**

**confirmed, I expect to learn more about these committees and commit to follow applicable legal authorities.**

20.Improved environmental quality and economic growth aren't mutually exclusive. Since 2009, the states participating in the Regional Greenhouse Gas Initiative (RGGI) have seen carbon pollution fall by 18% while their economies grew by 9.2%. Emissions in the other 41 states fell by 4% while their economies grew by 8.8%. Do you agree that RGGI has developed a successful model for growing our states' economies and cutting carbon pollution at the same time? Will you commit to maintaining funding levels for EPA grant programs that fund state level initiatives to reduce their emissions?

**While the agreement between the states participating in RGGI appears to be successful, what works for the Northeast may not achieve the same success in, for example, the Southwest. If confirmed, I look forward to working with EPA's budget staff and program offices to develop a budget focused on protecting human health and the environment for all populations. I will work to ensure that the limited resources appropriated to EPA by Congress are managed wisely in pursuit of that important mission and in accordance with all applicable legal authorities.**

21.EPA operates multiple networks to monitor compliance with the Clean Air Act's National Ambient Air Quality Standards and to track hazardous air pollutants regulated under the act. These networks include, among others, the State and Local Air Quality Monitoring Network, the National Air Monitoring Network (which targets areas of high population density with a variety of air pollution sources), Special Purpose Monitoring Stations (used for short-term studies and other purposes), Photochemical Assessment Monitoring Stations (used to measure pollutants that contribute to ground-level ozone, a harmful air pollutant), and the National Air Toxics Trends Stations. During our meeting you mentioned a desire to increase resources for the Office of Research and Development, specifically mentioning monitoring equipment in non-attainment areas. What is your vision for monitoring? Do you plan to increase funding at EPA for these important monitoring networks?

**I agree that monitoring compliance with the National Ambient Air Quality Standards is important to EPA's mission because it provides EPA with concrete and policy relevant data concerning the attainment status of communities throughout the country. If I am confirmed as Administrator, I expect to assess the Agency's resource usage and regulatory priorities and increased funding for air monitoring will be an area where I will consider deploying additional resources.**

22.Section 105 grants provide significant funding to states for implementing the Clean Air Act requirements. Beginning in FY 2017, EPA is proposing a new formula for how the 105 grants are distributed to each of the regional offices (and subsequently to the states). Region 1, where Rhode Island receives its funding from, will receive a smaller percentage of the total 105 funds under this revised

formula. EPA is proposing an implementation approach that would limit regional losses to no more than 2.5% from each region's prior year amount. Region 1 will lose 2.5% for, at least, each of the next five fiscal years and possibly ten years, under this proposed approach. Will you commit to not implementing the new formula until and unless there is sufficient overall funding such that no Region will see reduced funding from the prior year's amount?

**If I am confirmed as Administrator, I will consider this and other resource allocation issues and will use my best efforts to ensure that regional funds are allocated equitably.**

23. The National Environmental Policy Act has been a bedrock of our nation's environmental laws, ensuring that the environmental and community impacts of major federal actions are properly understood, that alternatives are appropriately considered, and that the public has the opportunity to actively participate in the environmental review process. What is your view of NEPA and its associated regulations, and will you commit to ensuring that the law, including the processes it establishes to ensure meaningful public participation and informed decision making, is in no way weakened?

**I understand the National Environmental Policy Act established the White House Council on Environmental Quality and generally a process for considering the environmental impacts of federal actions. If confirmed, I will faithfully execute all applicable laws as Administrator.**

24. The EPA's Office of Civil Rights has a long history of failing to comply with the Civil Rights Act of 1964. To date, the office has never found a violation of Title VI, which prohibits recipients of federal funding from acting in discriminatory ways. It has also allowed complaints to linger for years without a response. What will you do to ensure compliance by the EPA with the Civil Rights Act and to improve the track record of the Office of Civil Rights?

**If confirmed as Administrator, I would expect to be briefed by staff and review any recommendations by the Office of Inspector General before taking action on this issue.**

25. EPA and States are co-implementers of many of our federal environmental laws and programs. We believe that the tools used to implement these programs should be updated, particularly at the State level, to ensure effective implementation. Are there approaches, systems, or tools that you have considered to improve these programs and investments you would like to make in improvements that would benefit both federal and state environmental programs?

**As I testified in the hearing, I have pursued opportunities to address interstate environmental quality matters. One of the examples I have highlighted is the work that Arkansas Attorney General Dustin McDaniel and**

**I took to address an enforceable water quality standard between Arkansas and Oklahoma. I have also discussed how Texas should be responsible when air quality issues affect Oklahoma and my experience with that. When negotiations among and between states breakdown EPA has a role to set environmental standards. However, that is should be a last course of action instead of the first. I believe environmental statutes are designed with states as a primary implementer. Environmental statutes envision that states have the delegated enforcement and primacy to implement and enforce environmental statutes. Only when that is not happening or when negotiations between and among states breakdown should EPA determine a dispute and only after attempting to assist states negotiate a local solution. I am fond of saying that we need national standards and neighborhood solutions. I think that should shape the work of the EPA.**

26. Under Section 111(b) of the Clean Air Act ("CAA"), in 2012, EPA issued New Source Performance Standards (NSPS) to limit emissions of VOCs from new, reconstructed, and modified sources in the oil and gas industry and finalized the rule in August of 2015. EPA developed a regulatory impact analysis of the regulation that estimated that the final standards for new and modified methane sources will yield benefits of \$690 million in 2025, which will outweigh estimated costs of \$530 million in 2025. Do you disagree with EPA's regulatory analysis? If you do, can you specify what information and analytics you use to justify your position?

**I am familiar with the rule and understand that regulatory impact analyses play an important role in the EPA's rulemaking process. I also understand certain statutes, executive orders, and federal guidance documents inform the development of regulatory impact analyses. If confirmed, I commit to work with EPA staff to ensure regulatory impact analyses follow the relevant legal authorities.**

27. In 2009, as mandated by the Supreme Court and backed by a robust scientific and technical review, the Environmental Protection Agency produced the Endangerment and Cause or Contribute Findings for Greenhouse Gases (GHGs) under Section 202(a) of the Clean Air Act. It found six greenhouse gases - carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride - "taken in combination endanger both the public health and the public welfare of current and future generations." You challenged the endangerment finding in court and lost. Do you agree with the EPA's finding? Do you commit to not take any steps as Administrator to narrow the scope or otherwise weaken this finding?

**If confirmed, I will fulfill the duties of the Administrator consistent with Massachusetts v. EPA and the agency's Endangerment Finding on Greenhouse Gases respective of the relative statutory framework established by Congress. To my knowledge, there is nothing currently**

**pending before the EPA that would require I take any additional actions on the Endangerment Finding and if there were, it would not be wise to prejudge the outcome.**

28. There appears to be clear benefit from the regulation of methane emissions from the oil and gas sector. Can you discuss your views on the techniques used in the regulatory impact analysis for the NSPS for new oil and gas wells to quantify the cost and benefits of the regulation? Do you commit to maintaining the same metrics like emissions reductions, monetized climate benefits and health co-benefits, economic effects, employment benefits when designing new rulemakings?

**I am familiar with the role and understand that regulatory impact analyses play an important role in the EPA's rulemaking process. I also understand certain statutes, executive orders, and federal guidance documents inform the development of regulatory impact analyses. If confirmed, I commit to work with EPA staff to ensure regulatory impact analyses follow relevant legal authorities.**

29. The regulatory impact analysis for the methane emissions estimates that the rule could also reduce 210,000 short tons of ozone-forming VOCs in 2025, along with 3,900 tons of air toxics, such as benzene, toluene, ethylbenzene and xylene. Industry frequently talks about the costs to polluters of meeting public health standards while ignoring the costs to people harmed by the effects of pollution like the formation of ozone. Do you believe EPA should look at only the costs to the polluters when undertaking its regulatory impact analysis? Should the costs to families, such as children sent to emergency rooms due to asthma attacks triggered by smog, be included in the analysis? If so, should those costs be given a different weight than those claimed by industry?

**I am familiar with the rule and understand that regulatory impact analyses play an important role in the EPA's rulemaking process. I also understand certain statutes, executive orders, and federal guidance documents inform the development of regulatory impact analyses. If confirmed, I commit to work with EPA staff to ensure regulatory impact analyses follow relevant legal authorities.**

30. As you know, methane emissions from industry are as much as 90% higher than EPA had initially estimated, as has been demonstrated by academic peer-reviewed studies. New information is currently being sent to EPA, as part of the Information Collection Request (ICR), on methane emissions from existing sources. How do you plan to use the information collected? How do you plan to lead the agency in addressing this significant spike in known methane emissions?

**Section 114 of the CAA provides the Administrator of the EPA to collect emissions data from existing sources. If confirmed, I will review the ICR**



**currently underway regarding methane emissions and examine the submitted data to determine the appropriate next steps.**

31. You have been quoted previously, “my concern is that EPA is employing its flawed methodology in order to rationalize new and unjustified federal regulations to solve a methane-emissions problem that simply does not exist.” Science has shown us that methane’s effect on climate change is up to 34 times greater than that of CO<sub>2</sub> when averaged over a 100-year time period and even greater when considered over the first 20 years after it is emitted. Additionally, a recent Geophysical Research Letter article found that the U.S. could be responsible for the 30% to 60% increase in atmospheric methane emissions since 2002. Can you clarify what you mean that a methane-emissions problem does not exist? Do you refute the argument that human’s development of oil and gas has led to more methane emissions? The U.S., Canada, and Mexico have all pledged to work together in reducing methane emissions from the oil and gas sector between 40% to 45% by 2025. If you are confirmed as Administrator, do you intend to work with the State Department to honor our international methane commitments?

**It is my understanding that even EPA's revised methane data shows a decrease in methane emissions from oil and natural gas development since 2005, during a time period of a large increase in domestic energy development. EPA's data is based on a number of assumptions that, if confirmed, I will review carefully prior to making any prejudgments of future actions.**

32. The State Department and others have assessed life-cycle emissions for various crude oils and found tar sands crude is one of the dirtiest crudes on the planet from a GHG perspective. Do you agree tar sands crude has significantly higher life-cycle emissions than Oklahoma Sweet and most other crude oils?

**The lifetime emissions of any energy source should be considered in the context of necessary extraction techniques as well as transportation of the fuel, among other issues. For example, transporting crude via pipeline clearly creates fewer emissions than transporting it via other sources in terms of fossil fuel energy. Without knowing the specifics of all of these factors in a given instance, it is difficult to identify which sources may result in greater emissions.**

33. The State Department conducted a comprehensive economic and environmental analysis of the project and determined that under the current market conditions and those projected for the next few years, Keystone XL is key to getting tar sands crude to market. The EPA agreed with this conclusion. Do you agree? If not, why?

**I am not familiar with the State Department study but with over 2.4 million miles of pipeline in the United States as well as other transportation methods for moving goods and energy resources it is my understanding that oil sands development has continued despite the lack of approval for the Keystone XL's cross-border permit.**

34.Many of Keystone XL's proponents suggested that rejecting the project would simply divert more tar sands to rail to the Gulf Coast. Were you aware that according to the Energy Information Administration, shipments of Canadian crude by rail to the Gulf Coast have declined since Keystone XL was rejected, from 64,000 barrels per day in 2015 to 45,000 barrels per day in 2016?

**I am not familiar with that particular EIA data.**

35.The State Department found that the emissions associated with the production, refining and combustion of the tar sands in Keystone XL would result in 147 to 168 million metric tons (MMT) CO<sub>2</sub>e per year (equivalent to the emissions from as many as 35.5 million cars). The State Department also found that by displacing conventional crude with dirtier tar sands, the project would result in 1.3 - 27.4 MMT CO<sub>2</sub>e of additional emissions (equivalent to the emissions from as many as 5.7 million cars). Do you agree? If you disagree, please identify any research studies or experts you have consulted to form your opinion.

**I am familiar with multiple State Department determinations that the Keystone XL pipeline would not significantly impact climate change.**

36.In a recent study, the National Academy of Sciences (NAS) concluded that diluted bitumen—the type of crude that would be primarily transported by Keystone XL—has a series of properties that, taken together, make tar sands spills of greater concern for spill responders than spills of other, commonly transported crude oils. Both EPA and the Coast Guard advised the scientists on the NAS committee. Do you agree with their conclusion that tar sands spills pose greater risks and challenges for spill responders than other crude oil spills? If you disagree, please identify any research studies or experts you have consulted to form your opinion.

**Diluted bitumen has been transported safely by pipeline in the United States for more than 40 years. It is my understanding that the NAS report did not infer that the Keystone XL pipeline posed significant concerns or that diluted bitumen could not be safely transported via pipelines or other forms of transportation.**

37.The NAS committee also found that there are no known, effective strategies for recovering tar sands bitumen than has been spilled in a waterbody and sunk. Do

you agree? If you disagree, please identify any research studies or experts you have consulted to form your opinion.

**I have no information in supporting or challenging this assertion.**

38. The NAS committee also found that regulations and agency practices do not take the unique properties of diluted bitumen tar sands into account, nor do they encourage effective planning for spills of diluted bitumen. Do you agree? If you disagree, please identify any research studies or experts you have consulted to form your opinion.

**EPA is not the primary regulator of pipelines, this question would more appropriately be posed to the Pipeline and Hazardous Materials Safety Administration.**

39. The State Department's EIS found that Keystone XL's leak detection system is unlikely to identify leaks smaller than half a million gallons a day. Given the increased risks of tar sands spills and Keystone XL's proposed route through the Ogallala aquifer, should the EPA play an active role in ensuring that the water our nation's ranchers and farmers rely on is protected?

**EPA should play an active role in ensuring protection of our domestic water supply.**

40. The Environmental Protection Agency (EPA) has raised concerns regarding the effect that Keystone XL and the tar sands it carries will have on the air quality of Gulf Coast refinery communities. Do you believe that the EPA should take a role to ensure that projects like Keystone XL do not put our communities at risk of asthma, cancer and other serious illnesses?

**I am aware that EPA has a role in implementing the National Environmental Policy Act, and other statutory responsibilities as it relates to infrastructure projects like pipelines. If confirmed as Administrator, I will work to faithfully execute the laws EPA is responsible for administering in order to protect human health and the environment for all Americans.**

41. Do you believe that Native Americans, landowners, farmers, ranchers and communities affected by projects like Keystone XL should have the opportunity to have their concerns considered and address as part of an environmental review process?

**Yes.**

42. Based on the climate change implications, spill potential, and other factors, the Obama Administration determined Keystone XL isn't in our nation's best interest. Do you agree? If not, why?

**While the Obama Administration failed to grant the cross-border permit required to complete the Keystone XL pipeline, much of the pipeline was built in accordance with applicable laws and permits both federal and state. A large portion of the Keystone XL pipeline safely operates through Oklahoma and I believe that safely and efficiently moving natural resources through the country is very important.**

43. If confirmed, do you commit to ensuring EPA fully considers and articulates the environmental implications, based on the best-available science and in accordance with EPA's authority under the National Environmental Policy Act, when determining how to proceed on the Keystone XL Pipeline and any other projects?

**If confirmed, I will faithfully execute all applicable laws as Administrator.**

44. According to EPA 49% of coal units lack the most advanced NOx controls (Selective Catalytic Reduction systems or SCR). Several units that have SCR or other NOx emission control technology installed are not optimizing their use. For example, these six coal units have SCR installed but are not using it to optimize NOx reductions. In 2015, these facilities' NOx emissions were significantly higher than 2009 because they are not using the systems they have in place to reduce NOx. EPA estimates it costs facilities \$500/ton NOx pollution to optimize the reduction of NOx from an SCR and \$1300/ton to restart a SCR unit. Do you think these facilities should be regulated to keep on their NOx controls on?

**If I am confirmed as Administrator, I will consider all matters presented to me with an open mind and will work to reach conclusions that are reflected in the administrative record of each matter and that comport with Congress's intent in enacting the Act. That includes evaluating your concerns regarding the use of post-combustion NOx controls if and when they are presented to me in a matter before the Agency.**

45. Industry frequently talks about the costs to polluters of meeting public health standards while ignoring the costs to people harmed by the effects of pollution. In Rhode Island these effects cannot be ignored as we seen them through rising seas and bad air days for Rhode Islanders. Because Rhode Island ozone air quality issues are largely due to transported emissions from upwind states leading to ozone formation that pollutes the air and lungs of people in downwind states like mine. Over the past two years in Rhode Island, the 8-hour standard ozone standard exceeded 0.07 ppm 10 times in 2015 and 6 times in 2016. With respect

to ozone, do you believe EPA should look at only the costs to the polluters when undertaking its regulatory impact analysis? Should the costs to families, such as children sent to emergency rooms due to asthma attacks triggered by smog, be included in the analysis? If so, should those costs be given a different weight than those claimed by industry?

**Under the Clean Air Act, while setting NAAQS for criteria pollutants, cost cannot be considered. This is because human health is the primary focus of these standards. EPA's regulatory impact analyses have typically addressed what you describe as "costs to families" in the benefits portion of the analysis (i.e., the value of public health and environmental effects avoided).**

46. EPA's independent science advisers, leading medical groups like the American Medical Association, American Academy of Pediatrics, American Thoracic Society, American Lung Association, American Heart Association, and leading public-interest groups such as the NAACP called for a 60 ppb standard instead of the 70 ppb standard EPA finalized last year. What was your scientific basis for concluding that the old standard, 75 ppb, was sufficient to protect public health? Can you explain what sources you consulted? What groups you discussed this with?

**Due to a number of factors and steps taken by the previous Administration, implementation of the 2008 ozone NAAQS did not begin until years later. States had only recently begun to implement the 75ppb standard for ground-level ozone when EPA changed it; considering that approximately 40 percent of the country was in nonattainment for the 2008 standard, I believe EPA should focus on helping those areas meet that standard. Oklahoma's challenge to the most recent ozone NAAQS was based, in part, on concerns that EPA has not adequately assessed the available science. It is EPA's obligation to properly justify any change to an existing NAAQS.**

47. Rhode Island ozone air quality issues are largely due to transported emissions from upwind states leading to ozone formation that pollutes the air and lungs of people in downwind states like mine. The Rhode Island Department of Environmental Management told me that there remain a number of power plants located in upwind states that have pollution control equipment installed to reduce nitrogen oxides emissions that either do not use that equipment during the ozone season or do not use it in a way that optimizes the reduction of nitrogen oxides emissions. Why would this be the case?

**I am unfamiliar with the specifics as to why certain sources upwind of Rhode Island may not be using control devices in particular ways. CSAPR and related rules are designed to address emissions from upwind states**



**that significantly contribute to nonattainment in downwind states. EPA presumably considered emissions from the upwind power plants referenced in your question in formulating the existing requirements.**

48. Each year, RIDEM issues "ozone alerts" to warn vulnerable Rhode Islanders to stay indoors to protect their health on hot days when air quality is poor. This is a problem that cannot be solved in the state because masses of polluted air are coming from upwind. The health of Rhode Island citizens depends on a strong federal EPA program to impose pollution controls on NOx, particulates, and other mobile and stationary sources of pollution. What will you do to support the federal air quality programs? Will you commit to keep existing funding levels for the clean air programs that impose and regulate pollution controls and protect Rhode Islanders?

**If confirmed, I will work to administer the statute and applicable federal programs in accordance with Congressional intent. I look forward to working with EPA's budget staff and program offices to develop a budget focused on fulfilling EPA's mission to protect human health and the environment for all populations. I will work to ensure that the resources appropriated to EPA by Congress are managed wisely in pursuit of the Agency's important mission and in accordance with all applicable legal authorities.**

49. Ozone levels in RI are strongly affected by the transport of pollutants emitted in upwind states into RI. Although RI is currently designated as an unclassifiable/attainment area for the ozone NAAQS, monitored ozone levels in the State still exceed the standard on a number of days in the summer months. The Ozone Transport Region (OTR) states, including RI, have implemented a number of programs to reduce pollutant emissions from mobile and stationary sources in their states, as required by the Clean Air Act (CAA). RI and other OTR states were required by the CAA to implement emissions control programs not mandated in upwind states, resulting in increased energy costs and an inequitable economic burden to industry in the OTR states. Any additional emissions reduction programs that could be adopted in the OTR to further reduce ozone levels in the region would be less cost-effective than implementing OTR controls in upwind states and would further this inequity. What steps will you take to address the transport of pollutants emitted in upwind states that contribute to exceedances of the ozone standard in RI and other OTR states?

**Interstate transport of pollutants is a concern. An upwind state that contributes to a downwind state's inability to meet air quality standards should take responsibility. It is EPA's responsibility to address such issues, and, if confirmed, I look forward to working on this issue.**

50. The intent of the establishment of the RFS in the Energy Policy Act was to enhance U.S. energy security by displacing some imported petroleum with domestically produced ethanol. In your estimation, has the RFS reduced imports of foreign oil?

**As Congress indicated in the Energy Independence and Security Act of 2007, domestic production of renewable fuel contributes to our nation's "greater energy independence and security."**

51. President-elect Trump has said, "The RFS, which is Renewable Fuel Standard, is an important tool in the mission to achieve energy independence for the United States. I will do all that is in my power as president to achieve that goal... Energy independence is a requirement of America's to become great again. My theme is "Make America Great Again"; it's an important part of it." Do you hold the same beliefs as President-elect Trump about the RFS? If not, can you be specific where your views differ on this policy?

**As Congress indicated in the Energy Independence and Security Act of 2007, domestic production of renewable fuel contributes to our nation's "greater energy independence and security." To that end, if confirmed, I will work to administer the RFS program in accordance with statute and Congressional intent.**

52. Agriculture Secretary Tom Vilsack, who has been supportive of the RFS, made a statement in Bloomberg Markets, "There's going to be a lot of saber-rattling, but it supports too many jobs and too much rural infrastructure is set up for it. The Renewable Fuel Standard is solid." Do you agree that the RFS has supported jobs . and helped develop our rural infrastructure?

**Yes.**

53. You have been quoted, "It should come as no surprise that I am working diligently with Oklahoma energy companies, the people of Oklahoma and the majority of attorneys general to fight the unlawful overreach of the EPA and other federal agencies." Do you think that the renewable fuel standard is one of those unlawful overreach regulations from the EPA? Can you explain in more detail the type of overreach you are talking about when it comes to the EPA and other federal agencies?

**The RFS was first enacted by Congress in 2005 and updated and expanded in 2007 to promote domestic production and achieve energy independence. Therefore, I do not consider it to be "one of those unlawful overreach regulations from the EPA." The EPA needs to better administer this program**

**to provide involved entities with the certainty they need, and, if confirmed, i will administer the RFS in accordance with statute and Congressional intent.**

54. You have been quoted in the press saying, "The American people are tired of seeing billions of dollars drained from our economy due to unnecessary EPA regulations, and I intend to run this agency in a way that fosters both responsible protection of the environment and freedom for American businesses." Do you see the RFS as one of those unnecessary EPA regulations that is draining money from our economy?

**The RFS was first enacted by Congress in 2005 and updated and expanded in 2007 to promote domestic production and achieve energy independence. The EPA needs to better administer this program to provide involved entities with the certainty they need, and, if confirmed, I will administer the RFS in accordance with statute and Congressional intent.**

55. The RFS has been a significant factor in growing the volumes of biodiesel and other advanced biofuels. In light of the uncertainty surrounding the Biodiesel Tax Credit and the increased volume of biodiesel imported from Argentina, do you intend to support the RFS and continue to increase the Renewable Volume Obligations (RVOs) that provide the long term market stability to support investment and increase the jobs available in a growing domestic industry? Do you commit to making all economic and pricing models used in developing the annual blending targets under the RFS available to the public? If you come across models that were used in the past that were left out of the public record, will you make those available? Do you intend to use EIA data in conjunction with your administration of the RFS? Are there other data sources that you intend to rely on?

**If confirmed, I will administer the RFS in accordance with statute and Congressional intent. There has been significant investment that has gone into the infrastructure following the enactment of the RFS in 2005, and these individuals need certainty that the EPA has failed to provide in the past, from the trading program to monitoring the fraud in the system, to faith that the program will be enforced and administered as Congress intended. The Clean Air Act requires the Administrator of the EIA to submit annual projections of transportation fuel, biomass-based diesel, and cellulosic biofuel to be sold or introduced into commerce into the United States, and I will commit to continue relying on EIA data projections to set annual volume obligations.**

56. It has been estimated that the RFS supports roughly 850,000 jobs across the country and many of those jobs rely on certainty from the EPA setting its volume

requirements for the renewable fuels each year. If confirmed to serve as EPA Administrator, will you carry out the Energy Policy Act as passed in 2005 and updated in 2007, particularly adopting the statutory volume requirements for renewable fuels?

**Section 211(0) of the Clean Air Act contains enumerated tables of applicable target volumes of renewable fuel for calendar years 2006 through 2022. If confirmed, I will work to administer the RFS program in accordance with statute and Congressional intent.**

57. The RFS has driven investment in low carbon biofuels in our country. Are you committed to working to achieve the gains in advanced and cellulosic biofuels promised under the statute?

**Section 211(0) of the Clean Air Act contains enumerated tables of applicable target volumes of renewable fuel, specifically cellulosic and advanced, for calendar years 2006 through 2022. If confirmed, I will work to administer this program in accordance with statute and Congressional intent.**

58. Following the Sixth Circuit's stay of the Clean Water Rule in 2015 pending further court action, the EPA and Army Corps issued a joint memorandum that states the agencies 1) "look forward to vigorously defending the merits of the Clean Water Rule, which we continue to believe is fully consistent with the law and based on the best available peer-reviewed science," 2) "intend to move forward with measures to improve implementation of the national CWA section 404 program that were announced concurrent with the Rule," 3) will continue their commitment to improve transparency through making section 404 decisions public and making a number of other improvements to the section 404 permit program, 4) strengthen coordination between the agencies, and 5) "work closely with the Department of Justice to ensure [their] actions remain consistent with the stay." If confirmed as EPA Administrator, will you uphold the tenets of this memorandum? If not, what would you change in the EPA's pursuance of clean water and cooperative relationship with the Army Corps of Engineers? Will you commit to working collaboratively with the Army Corps under its corresponding section 404 and other Clean Water Act authorities to ensure clean water for all Americans? If confirmed as EPA Administrator, would you advise DOJ to stop defending the rule and instead ask the court to set aside the rule and send it back to the agencies for reconsideration? Do you disagree with the process the EPA used in developing the Clean Water Rule, which involved incorporating the best available science and feedback received through around 400 public meetings and over 1 million public comments?

**If confirmed I will support efforts of the Corp to improve transparency through making section 404 decisions public and to strengthen**

coordination between the agencies. However, I do not support the WOTUS rule and do not believe that it is consistent with the Clean Water Act. Accordingly, if confirmed, I will take appropriate steps, in accordance with the Administrative Procedure Act, to withdraw the rule and replace it with a rule that is within the authority granted to EPA and the Corps under the Clean Water Act and is promulgated in compliance with the APA, the Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, Executive Order 13132 on Federalism, and Executive Order 12866 on regulatory planning and review, procedural requirements that I believe were not met in the promulgation of the WOTUS rule. If confirmed, I also would inform the appropriate courts of these actions.

59. In the wake of SWANCC, Rapanos, and other decisions, how would you shape regulations and internal EPA policy to provide more certainty for regulated parties on how the agency will make section 404 permitting decisions?

**EPA does not make 404 permitting decisions. Section 404 of the Clean Water Act grants that authority to the Secretary of the Army, who carries it out acting through the Corps of Engineers. Under section 404(c) EPA has the authority to veto a Corps-issued permit if it EPA determines the discharge will have unacceptable adverse effects. If confirmed, I will seek to clarify when it is appropriate for EPA to use its 404 veto authority.**

60. If you choose to pursue a renewed rulemaking to clarify “waters of the United States,” will you follow the same procedure and commit to at least the same level of outreach the EPA undertook in developing the Clean Water Rule in developing a new rule?

**If confirmed, I will ensure that the outreach performed by EPA is not only extensive, but meaningful.**

61. Extreme weather events put water and wastewater infrastructure at risk. In Rhode Island, Super Storm Sandy almost caused Narragansett Bay to breach the water supply for the City of Newport. The March 2010, storms flooded the Pawtuxet River, overtopping the Warwick Wastewater Treatment facility and sending untreated wastewater into surrounding neighborhoods, the River and Narragansett Bay. What do you see as EPA’s role in helping cities and towns respond to these increasingly frequent extreme weather events and ensure the safety of the nation’s critical water and wastewater infrastructure?



**EPA provides water and wastewater infrastructure assistance through the Clean Water Act and Safe Drinking Water Act revolving loan funds and through the new WIFIA loan program.**

62.What role can green infrastructure play in helping municipalities manage and prevent sewer overflows and other storm water and wastewater treatment concerns?

**Green infrastructure is a neighborhood solution that can help meet national standards.**

63.In making recommendations for revisions to state shares of Clean Water State Revolving Fund (CWSRF) money, do you support increasing allocations for states with the oldest infrastructure?

**No. I am not aware of any analysis that suggests that age of infrastructure is an appropriate metric that predicts funding needs for wastewater infrastructure. It was not suggested in the May 2016 Report to Congress from EPA on its review of the CWSRF allotment formula, required by section 5005 of the Water Resources Reform and Development Act (WRRDA) of 2014. I also note that the formula is established by law and only Congress can change it.**

64.Sea level in Newport, RI has risen over 10 inches since 1930, Rhode Island experiences significantly more rain and more intense storms than in past decades, and Superstorm Sandy and the Flood of 2010 destroyed roads and buildings. The RI Department of Environmental Management is finalizing an assessment of the vulnerability of each wastewater treatment facility in the state from damage due to flooding and storm surge. Will states have the ability to choose to use State Revolving Fund monies to finance resiliency projects under the next Administration? What restrictions, if any, would you foresee putting on the use of these funds for this purpose?

**The eligibilities for the use of CWSRF funds are established in the Clean Water Act. If confirmed, I will manage that program as authorized by Congress.**

65.States rely on EPA funding, technical assistance, and other resources to help keep the air, water, and soil clean, particularly through the State and Tribal Assistance Grants and Categorical Grants. State agencies like the RIDEM have delegated authority to carry out federal pollution control laws. Based on what you know about the EPA, do you believe states and tribes are getting enough money from the federal government to support clean air and clean water investments and

enforcement? If confirmed, will you commit to ensuring states and tribes continue to receive at least the amounts of funding they do now? Are there programs that support states and tribes that you would consider cutting or increasing financial support for?

**I support the federalism structure of our federal environmental laws, which includes state delegation or authorization of most programs, and EPA STAG grants to help states implement those programs. If confirmed, I will seek to reduce the workload on states by refraining from adding more and more requirements for them to implement and to instead allow them to focus on implementing core environmental programs relating to air, water, and waste. I am not familiar with the development of EPA's FY 2018 budget so I cannot comment on that proposal, but please be assured that I support funding for states.**

66.A 2016 Associated Press study of EPA data identified Providence, RI as “one of the largest [drinking water systems] in the country to exceed a federal lead standard since 2013.” Almost 20 percent of all retail customers’ homes were found to be serviced by utility-owned lead lines. EPA’s lead limit before corrective action is required is currently 15 parts per billion. The city’s water supply was found to be over this limit six times since 2010. Providence’s water hit 30 parts per billion in tests in 2009 and 2013. Providence has shown marked improvement since those peaks, but there is still millions of dollars of investment needed in the city’s drinking water infrastructure to reduce the risk of lead. What role do you believe EPA should play supporting these investments?

**I would urge the City to explore funding opportunities available from the new WIFIA loan program, which is implemented by EPA.**

67.What have you done in your career to demonstrate lead contamination of drinking water will be a priority if you are confirmed as EPA Administrator? Please cite specific examples.

**I am concerned about children’s health, but the Oklahoma Department of Environmental Quality and the Oklahoma Water Resources Board have primary responsibility for implementing and enforcing environmental laws in Oklahoma, so issues relating to lead contamination of drinking water would fall within their responsibilities. If confirmed as Administrator, I will faithfully execute all environmental laws enacted by Congress, including the Safe Drinking Water Act.**

68.In an interview with the Providence Journal last April, Rhode Island’s chief of the Center for Drinking Water Quality at the RI Department of Health stated that “[i]n the last monitoring period, we had six small water systems exceed the lead action level. Five were school systems.” These systems were brought back into

compliance, but the concern remains. How will you prioritize lead abatement in schools and among the most vulnerable populations?

**If confirmed, I will fully carry out EPA's authorities, including its authorities under the Safe Drinking Water Act. I note that in the WIIN Act, Congress amended the Safe Drinking Water Act to authorize funding for voluntary school lead testing. If confirmed and if funding is provided, I will carry out that program.**

69.EPA's regulations on lead in drinking water, otherwise known as the Lead and Copper Rule, were last revised in 2007. In its October 2016 white paper on revising the rule, the EPA recognized "[t]here is a compelling need to modernize and strengthen implementation of the rule—to strengthen its public health protections and to clarify its implementation requirements to make it more effective and more readily enforceable." Do you agree the Rule is in need of updating to reflect the latest science?

**Yes.**

70.Do you believe all covered water systems should follow EPA's drinking water analytical methods when testing drinking water for contamination? If so, what efforts will you undertake to ensure all water systems are brought into compliance?

**If confirmed, I will fully carry out EPA's authorities, including its authorities under the Safe Drinking Water Act. To achieve this, I will focus on EPA's core missions, such as provision of safe drinking water.**

71.In a November 2016 interview with the New York Times, President-elect Trump specifically called out "crystal clear water" as a priority. Do you agree "crystal clear water" should be a priority of the EPA? If so, please list the specific steps you would take as Administrator to make the President-elect's vision a reality.

**Yes, I agree that clean water is a priority of the EPA. If confirmed, I will ensure that EPA focuses on the core missions as directed under laws enacted by Congress, including clean water and safe drinking water.**

72.Over 40,000 water bodies in the United States are considered "impaired" under Section 303(d) of the Clean Water Act, meaning they do not meet water quality and health standards. Six hundred and thirty-five of these are in Oklahoma. What specifics steps did you take as Attorney General and as a state legislator to improve the water quality in these impaired waters in Oklahoma?

**Regulation of water quality in Oklahoma is the responsibility of Oklahoma's environmental regulators at agencies like the Oklahoma Water Resources Board and Oklahoma Department of Environmental Quality. Those agencies would be best situated to describe the actions taken by Oklahoma to improve water quality in impaired waters.**

73.What clean water initiatives undertaken by the EPA in the last five years do you support?

**I support the March 2011 nutrient framework issued by the Assistant Administrator for the Office of Water entitled "Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions," which prioritizes state action to encourage on the ground activities over establishment of numeric nutrient limits. I support EPA's May 2012 Integrated Municipal Stormwater and Wastewater Planning Framework, which directs EPA enforcement and permitting officials to allow municipalities to integrate multiple CWA responsibilities in a single plan and prioritize the actions with the greatest health and environmental benefits, and to allow extended compliance schedules to carry out that prioritization. I support EPA's efforts to promote green infrastructure to meet Clean Water Act requirements. Green infrastructure can be a neighborhood solution to meet national standards. I support the new Water Infrastructure Finance and Innovation Act loan program authorized by Congress in 2014 that recently received its first appropriations. The WIFIA program creates tremendous opportunities to increase water and wastewater infrastructure investment because every federal dollar appropriated can leverage as much as \$60 in infrastructure investments.**

74.How will you address EPA's National Pollutant Discharge Elimination System permitting backlog without undermining any environmental protections or subverting the goals of the Clean Water Act?

**First, I would note that at the end of FY 2016, 96.9 percent of Oklahoma's permits were current. Making sure permits are current is one of core functions under the statutory responsibilities given to EPA and in turn carried out by authorized states. However, in recent years states have been asked to shift their focus and resources to other activities. If confirmed, I would return EPA's focus to ensuring that core functions under our environmental laws are carried out.**

75.Factory farming of animals is known to cause multiple forms of pollution, such as contaminating local groundwater with nitrates, contributing to hypoxia and "dead zones" in rivers and coastal waters, and releasing the potent greenhouse

gas methane. Considering your close ties with the animal agriculture industry in Oklahoma, your previous history of unsuccessfully prosecuting lawsuits against states with animal welfare laws, your opposition of EPA's attempt to conduct a survey of CAFOs, and your pursuit of punitive yet failed investigations of nonprofit advocacy groups working for animal welfare, do you believe you should recuse yourself from any decisions related to enforcing the CWA and CAA to the fullest extent of the law against these facilities? If not, will you commit to disclosing to the EPW Committee any solicitations you have made to interested parties before you make any decisions related to this topic? If not, what assurances can you provide that you will be able to discharge your duties in this area impartially?

**If confirmed, I will faithfully execute the Clean Water Act and Clean Air Act as enacted by Congress. My track record with regard to CAFOs, which includes suing a CAFO together with EPA and collecting what EPA at the time said was the largest civil penalty ever assessed against a CAFO for CWA violations, demonstrates that I can, and will, approach such issues with a fair and open mind.**

76.Explain your reasons for opposing EPA's 2012 attempt to conduct a survey of CAFOs. Has your thinking changed since then? Please explain why or why not.

**For the purpose of this response, I am assuming that you are referring to EPA's 2011 proposed animal feeding operation reporting rule, published at 76 Fed. Reg. 65431 (October 21, 2011), and the January 19, 2012 comments on that proposed rule filed by 12 state attorneys general, including myself. This proposed rule is an example of an attempt to impose new regulatory requirements without complying with either the law or proper administrative process. Under the Clean Water Act, only facilities that discharge pollutants can be regulated. Despite this limitation on EPA's authority, it had twice before attempted to regulate non-discharging facilities. In 2005, the Second Circuit vacated parts of EPA's 2003 CAFO rule that purported to require non-discharging CAFOs to apply for permits. *Waterkeeper Alliance, Inc. v. United States Environmental Protection Agency*, 399 F. 3d 486. In 2011, the Fifth Circuit vacated the part of EPA's 2008 CAFO rule that would have required all CAFOs "proposing to discharge" to apply for NPDES permits regardless of whether they had actual discharges. *National Pork Producers Council v. United States Environmental Protection Agency*, 635 F. 3d 738 (5th Cir. 2011). Further, EPA's authority to require reporting (section 308 of the CWA) applies only to point sources that discharge. That was made clear by the 8th Circuit in *Service Oil, Inc. v. Environmental Protection Agency*, 590 F. 3d 545 (8th Cir. 2009). Despite the clear limitations of the Clean Water Act, in the CAFO reporting rule EPA proposed to require facilities that are not subject to the Clean Water Act to submit reports to EPA. As such, that proposed rule exceeded EPA's authority.**



77. According to the CDC, in 2014 Oklahoma reported the second highest rate of exposure to pesticides in the nation. At a time when pesticide/herbicide usage is on the rise across the country, how would you protect American workers, consumers, and landscapes from the toxic effects of agricultural chemicals?

**I am not personally familiar with the data referenced in this question or generally the rate of pesticide usage in Oklahoma. If confirmed as Administrator, I would expect to be briefed by EPA staff before taking action on this issue and would work to ensure EPA followed all applicable legal requirements and made its decisions based on sound science in an open and transparent process.**

78. Your close ties to the fossil fuel industry have given a strong appearance of pay-to-play politics favorable to that industry. As you well know, the agricultural and seed biotechnology industry has a similar history of major lobbying, campaign financing, and maintaining close relationships with lawmakers and agency administrators. Monsanto, the Oklahoma Farm Bureau, and other agricultural interests contributed more than \$90,000 to your previous campaigns. Do you believe you should recuse yourself from any decisions related to this industry? If not, will you commit to disclosing to the EPW Committee any solicitations you have made to interested parties before you make any decisions related to this topic? If not, what assurances can you provide that you will be able to discharge your duties in this area impartially?

**It is my understanding that recusal obligations do not extend to regulatory rulemaking of general applicability, which does not create a conflict under applicable rules. In any matters involving specific parties where I believe that my impartiality may be questioned, I will consult with relevant federal ethics officials to determine whether to participate in a particular matter, provide them with all relevant facts, and follow their guidance. Following these procedures, along with all the other commitments I have made to comply with applicable ethics rules, will ensure that I discharge my duties impartially.**

79. How should the EPA consider the synergistic effects of chemicals when considering approval of these chemicals under FIFRA?

**If confirmed, I would expect to be briefed by staff about EPA's relevant legal authorities concerning pesticide registration and current practices in this area before taking any action.**

80. The Fish and Wildlife Service recently listed the rusty patched bumble bee as endangered, the first wild bee in the lower 48 states to receive this distinction. Pesticides were listed as part of the blame for the bee's current status. Other

bumble bee species are also at risk due to increased pesticide use and other environmental challenges. How can the EPA assist in bettering the understanding of pesticides' role in declining bee and other pollinator species?

**I am generally aware of the important role bees play as pollinators, but I am not personally familiar with the details of the Endangered Species Act listing decision referenced in the question. If confirmed as Administrator, I would expect EPA to be briefed on the matter concerning EPA's legal authorities and any ongoing activities in this area before taking action.**

81. Under your leadership, what role will EPA play in the management and control of vector borne illnesses like Zika?

**If confirmed, I would expect to be briefed by staff about EPA's relevant legal authorities and operations in this area before taking any action.**

82. With respect to the Rule of Law Defense Fund, please provide the following: A written explanation of the role you or any person under your supervision has played in the establishment and operation of the Fund; a list of all donors who have contributed to the Fund since its inception, total donated, and their affiliations; a list of all requests you have made for funding and what was given and from whom in response; a list of all expenditures of over \$1,000 made by the Fund since its inception; details of any Fund expenditures over \$100 that have benefited you or any person under your supervision, including travel; all communications, including e-mails, between you and the Fund and between you and any individuals related to the establishment of the Fund or the conduct of the Fund's activities; a list of all meetings and fundraisers organized by or sponsored in whole or in part by the Fund that you or any person under your supervision attended, including the dates, locations, agendas and attendees; and a list of all federal and state legislation or regulations the Fund has taken a position on, Fund-organized legal briefs and letters to federal lawmakers, and all actions you have taken with respect to those matters.

**I did not play a role in founding or forming the Rule of Law Defense Fund, and no one on my staff played such a role. My understanding from the time I was a member of that entity's board is that its staff operates the fund. A list of contributors to the Fund since its inception is in the custody of RLDF and I do not personally have records of or have knowledge of that information. Expenditures by the fund are in the custody of RLDF, and I do not personally have records of or have knowledge of that information. Any records relating to requests for funding to individuals or to corporate entities would be in the possession of RLDF. RLDF has paid for flights and accommodations when I attended RLDF events or panel discussions.**

**Because those flights or accommodations were booked directly by RLDF staff, I am not in possession of any receipts for such flights or accommodations.**

83. Please list all matters you or your office has had with the US EPA since you became Attorney General of Oklahoma. For the purposes of this and the following questions, "matters" refers to lawsuits (including lawsuits in which your office filed a "friend of the court" brief), enforcement actions, investigations, rulemakings, or any other matter which included an adjudication between parties.

**In order for you to receive a comprehensive response to a voluminous request of that nature requesting information on all matters, I would direct you to make a request of the Oklahoma Attorney General's Office under the Oklahoma Open Records Act.**

84. For each matter you identify in the previous question, please list the following: The names of the attorneys in your office who worked on the matter, and the names and affiliations of all attorneys with whom you or the attorneys in your office had communications about the matter. The names and affiliations of any person with whom you had communications about the matter, and the dates of the communications, and a summary of the substance of that communication. For any person listed the previous subpart, or corporation represented by that person, any contribution or payment made to Scott Pruitt for Attorney General, the Republican Attorney General Association, the Republican Attorney Generals Association, the Rule of Law Defense Fund, Liberty 2.0, Oklahoma Strong, or any other political action committee or 501(c)(4) organization with which you are or have been affiliated in any way.

**In order for you to receive a comprehensive response to a voluminous request of that nature requesting information on all matters, I would direct you to make a request of the Oklahoma Attorney General's Office and the Oklahoma Ethics Commission under the Oklahoma Open Records Act and the individual political organizations.**

85. Please list all matters you or your office has had with the US Department of Interior since you became Attorney General of Oklahoma. For the purposes of this and the following questions, "matters" refers to lawsuits (including lawsuits in which your office filed a "friend of the court" brief), enforcement actions, investigations, rulemakings, or any other matter which included an adjudication between parties.

**In order for you to receive a comprehensive response to a voluminous request of that nature requesting information on all matters, I would direct**

**you to make a request of the Oklahoma Attorney General's Office under the Oklahoma Open Records Act.**

86. For each matter you identify in the previous question, please list the following: The names of the attorneys in your office who worked on the matter, and the names and affiliations of all attorneys with whom you or the attorneys in your office had communications about the matter. The names and affiliations of any person with whom you had communications about the matter, and the dates of the communications, and a summary of the substance of that communication. For any person listed the previous subpart, or corporation represented by that person, any contribution or payment made to Scott Pruitt for Attorney General, the Republican Attorney General Association, the Republican Attorney Generals Association, the Rule of Law Defense Fund, Liberty 2.0, Oklahoma Strong, or any other political action committee or 501(c)(4) organization with which you are or have been affiliated in any way.

**In order for you to receive a comprehensive response to a voluminous request of that nature requesting information on all matters, I would direct you to make a request of the Oklahoma Attorney General's Office and the Oklahoma Ethics Commission under the Oklahoma Open Records Act and the individual political organizations.**

87. Please list all matters in which your office participated in any way challenging a law, rule, or regulation of a state other than Oklahoma. For each matter listed, please include the following: Your understanding of the effect of that law, rule, or regulation on the people of Oklahoma. The names of the attorneys in your office who worked on the matter, and the names and affiliations of all attorneys with whom you or the attorneys in your office had communications about the matter. The names and affiliations of any person with whom you had communications about the matter, and the dates of the communications, and a summary of the substance of that communication. For any person listed the previous subpart, or corporation represented by that person, any contribution or payment made to Scott Pruitt for Attorney General, the Republican Attorney General Association, the Republican Attorney Generals Association, the Rule of Law Defense Fund, Liberty 2.0, Oklahoma Strong, or any other political action committee or 501(c)(4) organization with which you are or have been affiliated in any way.

**In order for you to receive a comprehensive response to a voluminous request of that nature requesting information on all matters, I would direct you to make a request of the Oklahoma Attorney General's Office and the Oklahoma Ethics Commission under the Oklahoma Open Records Act and the individual political organizations.**

88. As Attorney General you have played a major role challenging EPA's Clean Power Plan and seven other major rules protecting the public from air pollution, water pollution, and toxic threats. Professional ethics rules prohibit attorneys from changing sides, as you would be doing if confirmed. Federal ethical guidelines specifically require that a public official should not act on a matter if a reasonable person who knew the circumstances of the situation could legitimately question his or her fairness. Will you commit to recusing yourself from substantive matters that include EPA's climate rules, its mercury and air toxics rules, its most recent clean water rule, and others related to the eight pending cases you have against EPA as an Attorney General?

**It is my understanding that recusal obligations do not extend to regulatory rulemaking of general applicability, which does not create a conflict under applicable rules. With respect to my professional obligations as a member of the bar, I am not permitted to "switch sides" as counsel in any matter in which I participated as a lawyer. The standards that would apply to me as EPA Administrator are different as I would not be representing the EPA as a lawyer. Nonetheless, in any matters involving specific parties where I believe that my impartiality may be questioned, I will consult with relevant federal ethics officials to determine whether to participate in a particular matter and provide them with all relevant facts.**

89. You have taken credit for the lawsuit *State of Oklahoma et al. v. Mahard Egg Farm*. What was the date on which the complaint in that case was filed? What are the dates of the allegations in the case? Had any Oklahoma state agencies taken any steps to investigate that matter before you became Attorney General? If so, please specify the agencies, their roles investigating the case, and the dates on which they were taken. Did the Oklahoma Attorney General's office take any steps to investigate that matter before you became Attorney General? If so, please specify what was done and when. Please indicate the date on which the Attorney General's office first contacted defendant(s) in this matter.

**As I have testified, it was a lawsuit that I initiated together with the State of Texas and the EPA. The complaint was filed on May 23, 2011. The consent decree was entered into on August 10, 2011. There was no case when I took office, but the matter had been investigated by the Office of Attorney General, the Oklahoma Department of Agriculture, the EPA, and the State of Texas. I do not know the first date that the Office of Attorney General first contacted the defendants in that matter.**

90. Have you ever met or spoken with Richard "Rick" Berman, who has been affiliated with Center for Consumer Freedom? If so, please describe the substance and dates of your communications with him. Did you or the Attorney General's Office during your tenure ever receive communications of any sort from



Mr. Berman or the Center for Consumer Freedom? If so, please specify the date and content of those communications.

**I do not recall ever having met Mr. Berman. I am not aware of any communications with Mr. Berman, but a request for such information can be made to the Office of Attorney General pursuant to Oklahoma's Open Records Act.**

91. Before March 12, 2014, had your office received any complaints about the Humane Society of the United States [HSUS] from a resident of the State of Oklahoma? If so, please identify the date of the complaint, the allegations in the complaint, and the city or town of residence of the complainant.

**I believe that our office had received such a complaint, but I do not know the residency of any such complainant. A request for such information can be made to the Office of Attorney General pursuant to Oklahoma's Open Records Act.**

92. In March 2014, your office issued a consumer warning about HSUS. Based on what evidence did you issue this warning? Did you or your office communicate to any person or entity outside the Attorney General's Office about the timing or substance of your consumer warning about HSUS before it was issued? If so, please state the names of those with whom you or your office communicated, the dates, and the substance of those communications.

**The consumer warning was based on information suggesting that HSUS's solicitations for contributions might be misleading Oklahoma consumers. A request for communications can be made to the Office of Attorney General pursuant to Oklahoma's Open Records Act.**

93. On July 1, 2014, your office issued a Civil Investigative Demand (CID) to HSUS. Based on what evidence did you issue that CID?

**The purpose of a CID is to gather such evidence.**

94. On or about July 21, 2014, after the New York Attorney General entered into a settlement with the direct mailing firm Quadriga Art, you were quoted as saying "We believe what happened in New York potentially has happened in Oklahoma." Based on what evidence did you make that statement? Did you issue a Civil Investigative Demand or subpoena to any organizations other than HSUS as a result in whole or in part because of the NYAG's Quadriga Act settlement? If so, please specify the names of the organizations, the dates of the CID, and the result of any investigation conducted pursuant thereto. If not, what evidence did you have that distinguished HSUS from any of the other clients of Quadriga Art?

**As I recall, the Office believed that Quadriga Art may have been the vendor for direct mailers used by HSUS in Oklahoma. I am not aware of any other CIDs issued as a result of the Quadriga Art settlement. I am not aware of the Office having received any complaints or having any open investigations relating to other Quadriga Art clients.**

95. During the 2010 election cycle, did Devon Energy and Koch Industries max out to your campaign? During the 2014 election cycle, when you ran unopposed, did Devon, Koch Industries, and ExxonMobil max out to your campaign? How much total money has "Scott Pruitt for Attorney General" received from fossil fuel and agricultural interests? Please list your fossil fuel and agricultural donors, dates, and amounts.

**A full list of contributors to my campaigns for the state senate and attorney general may be found at the Oklahoma Ethics Commission's websites. For state campaign committee from 2002-2014, please use this site: <https://www.ok.gov/ethics/public/candidate.php>. For 2015 to the present, the Commission uses this site: <http://guardian.ok.gov/PublicSite/SearchPages/Search.aspx?SearchTypeCodeHook=1F26BA5E-71EA-48E4-8D50-C1013E9FE0A7>. Attached is a letter from the Oklahoma Ethics Commission regarding materials prior to 2002.**

96. How much total money did Oklahoma Strong, your leadership PAC, receive from fossil fuel and agricultural interests? Please list your fossil fuel and agricultural donors, dates, and amounts.

**I do not manage or control Oklahoma Strong PAC. Questions relating to its donors would need to be directed to those who do.**

97. How much total money did Liberty 2.0, the SuperPAC created to help get you elected, receive from fossil fuel and agricultural interests? Please list your fossil fuel and agricultural donors, dates, and amounts.

**I do not manage or control Liberty 2.0. Questions relating to its donors would need to be directed to those who do.**

98. Did you or anyone working for you or on your behalf ever solicit money for Oklahoma Strong or Liberty 2.0 from fossil fuel and agricultural interests? If so, when, from whom, and what was the result? Please note any solicitations that were made in which you mentioned work done in your official capacity as Attorney General of Oklahoma and what that work was.

**I solicited funds for Oklahoma Strong PAC from a broad array of individuals and corporations representing many different industries. While I do not recall specific solicitations, given my state's deep ties to farming and oil and**

gas, I do not doubt that I at some point fundraised from individuals with some connection to those industries. Staff members of the Oklahoma Strong PAC may have records of such solicitations, so requests for details would have to be made to that entity. I have on occasion solicited funds for Liberty 2.0, and records of those solicitations may be maintained by the staff of that organization, so requests for details would have to be made to that entity. I do not recall the contents of any specific conversations that I may have had in this context.

99. During the hearing, I asked if you led the Rule of Law Defense Fund. In response, you stated you had "been an officer of the organization [Rule of Law Defense Fund] for 2016." Your EPW questionnaire states you were a board member or chairman at the Rule of Law Defense Fund between November 2013 and December 2016 while your OGE disclosure says you were a member of the board or Chair between April 2014 and December 2016. Please clarify when you were you a board member of the Rule of Law Defense and when were you the Chair.

**I served on the Board of Directors of the Rule of Law Defense Fund from April 2014 until November 2016. I served as Chairman of the Board of Directors of the Rule of Law Defense Fund from November 2015 to November 2016.**

100. During the hearing, I asked if you've ever solicited funds for RAGA and you stated you "did not serve in an officer capacity at that entity [RAGA]." On your EPW disclosure form you stated you were a member of the executive committee between November 2013 and November 2015. As discussed, OGE doesn't require you to disclose your relationship with RAGA or other 527 political organizations. Your LinkedIn and campaigns pages state you were chair of RAGA for two terms and RAGA's website indicates you were the RAGA chair in 2012 and 2013. Please clarify when you've been chair of RAGA and when you've been on RAGA's executive committee. Did you provide any information about your relationship with RAGA to OGE or EPA when they were reviewing your conflicts of interest?

**I served as Chairman of the Republican Attorney Generals Association from November 2011 to November 2013. These dates represent "two terms" of serving as Chairman. Thereafter, I was a member of the Executive Committee from November 2013 to November 2015. I made all required disclosures to OGE and EPA ethics counsel, including disclosures about my relationship to RAGA.**

101. RAGA has given other Republican attorneys general call sheets to solicit on its behalf. Have you or any person working on your behalf ever received call sheets from RAGA asking you to solicit money or event sponsorships? If so, when, for what purpose, who was on your list to contact, who if anyone did you or

any member of your staff make contact any of the listed people/entities, and how much money and which sponsorships was given to RAGA as a result?

**I did receive call sheets to solicit funds and/or event sponsorships for RAGA and I did make contact with the listed people/entities. The exact dates, the purpose, and who was called are records that are kept by RAGA, and those requests would need to be made to RAGA. Similarly, I do not have records of how much money or sponsorships were raised as a result - those records are kept by the Republican Attorneys General Association.**

102. Besides call sheet efforts, did you or any person working on your behalf ever solicit money for RAGA? If so, when, from whom, for what purpose, and what was the result?

**No one else working on my behalf has solicited funds for RAGA. In addition to call sheet efforts, I have asked for funds from individuals/entities in person for RAGA. Records of exact dates, names of individuals and entities and how much money was solicited are kept by the staff of RAGA.**

103. In 2015, you were on the agenda to speak on a panel entitled, "The Dangerous Consequences of the Clean Power Plan and other EPA Rules" during RAGA's National Summer meeting that included several fundraisers. The agenda for that meeting included private meetings with attorneys general and Murray Energy, Southern Company, and American Fuel Petrochemical Manufacturers. According to RAGA's 2015 and 2016 member benefits descriptions, donors that contribute \$50,000 or more have an "annual opportunity to lead private briefings with Republican attorneys general during RAGA events" and attend other private events, including private dinners and retreats, at which Republican attorneys general are present. Did you or any person working on your behalf attend any of the private meetings with Murray Energy, Southern Company, and/or the American Fuel Petrochemical Manufacturers during the 2015 Summer National RAGA meeting? If yes, please provide a list of meeting attendees, any minutes/notes taken, and describe any conversations about EPA matters.

**I do not recall which meetings I attended at the event you reference.**

104. During your time as a member of RAGA, have you or any person working on your behalf attended any private meetings or functions with co-plaintiffs or amici for any of the 14 cases you brought against EPA? If yes, please provide a description of the meeting, the date, a list of meeting/event attendees, any minutes/notes taken, and describe any conversations about EPA matters.

**I do not recall private meetings or functions with a co-plaintiff or amici while at a RAGA event, and do not know of any instance where a person working on my behalf attended such a meeting. In instances where a case is being litigated, counsel for each plaintiff or amici will routinely speak about matters related to the litigation, as court rules and other procedural matters often require such communications.**

105.RAGA indicates that it raises and spends considerable amounts of money to support the election campaigns of Republican attorneys general. Please detail all expenditures from RAGA used to support your position in office, including but not limited to election campaign spending, contributions to other groups and PACs, and opposition research. Please detail any actions that you or your staff have taken to support the fundraising of RAGA for its campaign spending.

**RAGA's Oklahoma PAC contributed \$5,000 to Scott Pruitt for Attorney General in April, 2014. Inquiries about what other groups and third parties RAGA may have contributed to, or research they conducted would have to be directed to RAGA.**

106.RAGA has indicated it has chartered flights for Republican attorneys general. Have you ever been a passenger on a RAGA-chartered flight? If so, when and where did you travel to and from? Did RAGA ever cover or reimburse you for transportation and accommodation? If so, please itemize when, for what, and the value.

**Yes, I recall I was a passenger on a chartered flight to and from Las Vegas, Nevada in the fall timeframe of 2014. RAGA has covered the cost of flights and accommodations for me when I have attended RAGA meetings. I do not keep itemized records of these expenses, flights and accommodations are booked directly by RAGA staff.**

107.While you were on the board of RLDF, did it cover any chartered flights on which you were a passenger or any of your transportation and accommodation costs? Please itemize any chartered or commercial flights, accommodations, and other travel-related expenses that exceed \$100, and the value that RLDF covered.

**As far as I am aware, RLDF has never covered the cost of chartered flights for me or my staff. RLDF has covered costs of transportation and accommodations when I traveled on behalf of RLDF for meetings, panels, and other policy-related events. The staff of RLDF booked travel and accommodations for me directly, and records of the costs and expenses are kept by Rule of Law Defense Fund staff and are not in my possession.**



108. In 2014 and 2015, while you were on the board or Chairman of RLDF, it contributed over half a million dollars to RAGA. Please list each transaction and the purpose of the transaction.

**Records of transactions between those entities are held by Republican Attorneys General Association staff and Rule of Law Defense Fund staff and are not in my possession.**

109. As Attorney General, you have jointly signed numerous letters with other Republican attorneys general, such as your letter of June 15 2016 outlining your opposition to state investigations of ExxonMobil. What role did the Rule of Law Defense Fund have in preparing and coordinating release of any letters signed by you as Attorney General? What role did the Republican Attorneys General Association have in preparing and coordinating release of any letters signed by you as Attorney General? What role did any corporate funder of Rule of Law Defense Fund or Republican Attorneys General Association have in preparing and coordinating release of any letters signed by you as Attorney General?

**I am not aware of what steps may have been taken by the Rule of Law Defense Fund in preparing or coordinating letters. Day to day operations of the Rule of Law Defense Fund are delegated to staff of the organization. I am unaware of any role by RAGA in preparing or coordinating release of letters. My understanding is that such letters are typically released by the office who took the lead on preparing the letter. I am unaware of any corporate funder of either RAGA or RLDF having any role in preparing or coordinating the release of letters signed by my office.**

110. During your time on the board or as Chairman of Rule of Law Defense Fund, did corporate donors to that organization participate in any meeting of the executive committee, including board meetings, phone calls or retreats, during which any EPA matters were discussed? If yes, which corporations participated, what was the nature of the event, and how did they participate (e.g., in person, by phone)?

**During my time as Chairman of Rule of Law Defense Fund, I cannot ever recall a time when "corporate donors" participated in a meeting of the executive committee, including board meetings, phone calls or retreats during which EPA matters were discussed. However, members and funders of the Rule of Law Defense Fund were invited to attend large group panel discussions hosted by RLDF where several EPA matters were discussed. Any records of attendees at those meetings would be in the possession of the Rule of Law Defense Fund staff.**

111. During your time as attorney general, have you received gifts or in-kind donations that exceed \$100 from any entities besides RAGA and RLDF? If so, please list when, from whom, and describe if it was related to a specific event or commitment.

**I do not recall receiving gifts with a value of more than \$100 from RAGA and/or RLDF. I have, as stated before, had travel and accommodations provided for me when I traveled to and from RAGA or RLDF meetings.**

112. Will you commit to recusing yourself from matters before EPA involving any party from whom you have solicited funds during your time as Attorney General of Oklahoma?

**Before participating in any matters involving specific parties where I believe that my impartiality may be questioned, I will consult with relevant federal ethics officials and provide them with all relevant facts.**

113. Under your predecessors, senior EPA managers' schedules have been available to the public. If confirmed, do you agree to make senior managers' schedules available as well?

**If confirmed, I will commit to following applicable laws concerning the public availability of schedules for senior managers.**

114. How many email addresses have you used since becoming Attorney General of Oklahoma? How many do you still use? Please provide the domains of all email addresses you've used during your time as Attorney General of Oklahoma, along with the dates used, and note whether they were personal, professional, or both.

**I have used two e-mail addresses since becoming Attorney General of Oklahoma. I use a personal e-mail address for personal e-mail, and an official e-mail address for official business. The domain of my personal e-mail address is me.com and the domain of my official e-mail address is oag.ok.gov.**

115. Have you ever conducted business using your personal email accounts, non-official Oklahoma Attorney General email accounts, text messages, instant messenger, voicemails, or any other medium? If yes, please provide all business-related emails, texts, from those mediums and any others you've used to conduct official business.

**I use only my official OAG email address and government issued phone to conduct official business.**